

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

2017 SEP 14 AM 10:15

FILED  
DEPUTY CLERK 

KIMBERLY MALLETT,

Plaintiff,

v.

WALT DISNEY PIXAR,

Defendant.

Civil Action No. 1:17-CV-126-C

**ORDER**

Before the Court are Plaintiff Kimberly Mallett's Complaint and Motion for Leave to Proceed *In Forma Pauperis* (IFP), filed August 21, 2017, and Plaintiff's "Complaint," filed August 22, 2017 (which the Court construes as a Supplement to Plaintiff's Complaint). On August 22, 2017, the United States Magistrate Judge filed his Report and Recommendation, in which he recommended that the Court grant Plaintiff's IFP motion and dismiss this civil action without prejudice pursuant to 28 U.S.C. § 1915(e).<sup>1</sup> Plaintiff did not file any objection to the Report and Recommendation and her time to do so has now expired.

Plaintiff, proceeding *pro se*, brings non-specific claims against Defendant Walt Disney Pixar, asserting that two of Defendant's 2012 and 2013 films—"Brave" and "Frozen"—were written about her and contain many similarities to her life. She alleges that the creation of these films without her consent has caused her spiritual distress and created hardship in her personal

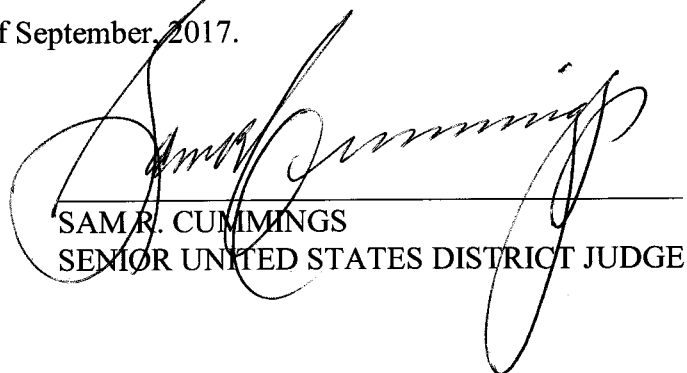
---

<sup>1</sup>Because Mallett seeks permission to proceed *in forma pauperis*, she is subject to the preliminary screening provisions of 28 U.S.C. § 1915(e).

relationships, but she does not specify what causes of action she intends to assert against Defendant or what relief she is seeking. The Magistrate Judge concluded that Plaintiff's Complaint (and Supplement) failed to assert any basis for federal subject-matter jurisdiction; he therefore recommended that the Court dismiss this civil action for lack of jurisdiction if Plaintiff did not file an amended complaint satisfying the federal pleading requirements. Plaintiff did not file an amended complaint as instructed.

The Court has reviewed the Report and Recommendation for clear error and finds none. It is therefore **ORDERED** that the findings and conclusions of the Report and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* is **GRANTED**, and the above-styled and -numbered civil action is **DISMISSED without prejudice** for lack of jurisdiction.<sup>2</sup> 28 U.S.C. § 1915(e)(2)(B).

SO ORDERED this 14<sup>th</sup> day of September, 2017.

  
\_\_\_\_\_  
SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE

---

<sup>2</sup>The Report and Recommendation clearly put Plaintiff on notice of the deficiencies in her complaint (specifically her failure to properly plead jurisdiction) and recommended that Plaintiff's claims be dismissed if she did not file an amended complaint within fourteen days. Because Plaintiff chose not to file any objections or an amended complaint during that fourteen day period, the Court concludes that she has decided to let it go and does not intend to amend her pleadings. Therefore, no further leave to amend is granted.